

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT Chattanooga

FILED

DEC 21 2016

U.S. District Court  
Eastern District of Tennessee  
Chattanooga, Tennessee

OUTBACK STEAK HOUSE )

& Blooming BRANDS )

\_\_\_\_\_  
(Enter above the NAME of the  
plaintiff in this action.) )

v. )

ERVIN MOORE )

\_\_\_\_\_  
(Enter above the NAME of each  
defendant in this action.) )

1:16-cv-500

Judge Greer  
Judge Lee

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(42 U.S.C. Section 1983)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ( ) NO (✓)

B. If your answer to A is YES, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

2. COURT: (If federal court, name the district; if state court, name the county):  
EASTERN District
3. DOCKET NUMBER: 846-2016-11477
4. Name of Judge to whom case was assigned: N/A
5. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
6. Approximate date of filing lawsuit: 12-21-16
7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: \_\_\_\_\_

- A. Is there a prisoner grievance procedure in this institution? YES ( ) NO (☒)
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? YES ( ) NO (☒)
- C. If your answer is YES,
1. What steps did you take? \_\_\_\_\_
- \_\_\_\_\_
2. What was the result? \_\_\_\_\_
- \_\_\_\_\_
- D. If your answer to B is NO, explain why not. \_\_\_\_\_
- \_\_\_\_\_
- E. If there is no prison grievance procedure in the institution, did you complain to the prison authorities? YES ( ) NO (☒)
- F. If your answer is YES,
1. What steps did you take? \_\_\_\_\_
- \_\_\_\_\_

2. What was the result? \_\_\_\_\_

### III. PARTIES

(In item A below, please your name in the first blank and place your present address in the second blank. Do the same for any additional plaintiffs.)

A. Name of plaintiff: ERVIN MOORE  
Present address: ~~30 EVERGLADES BLVD~~ EVERGLADES BLVD  
Permanent home address: 33 EVERGLADES BLVD  
Address of nearest relative: 33 EVERGLADES BLVD ROSSVILLE, GA 30741

(In item B below, place the FULL NAME of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the additional names, positions, and places of employment of any additional defendants.)

B. Defendant: ERVIN MOORE  
Official position: DISWASHER / PREP  
Place of employment: OUTBACK STEAK HOUSE HIXSON, TN

C. Additional defendants: \_\_\_\_\_

### IV. STATEMENT OF CLAIM

(State here as briefly as possible the FACTS of your case. Describe how EACH defendant is involved. Include also the names of other persons involved, dates and places. DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.)

I WAS TREATED RUDE BY JASON DIMMICH SEVERAL OF TIMES BECAUSE  
OF MY COLOR, AND I HAVE A LOT OF TATTOS AND HE JODGED ME

by my tattoos and he know I served nine years in federal prison. I never got to take a 30 min because he didnt like me, and Tennessee laws state if you work hours or more you got to take a 30 min break and I never clocked out. I told Wynne about the things Dimmlich said to me, he would say dont listen to him, Dimmlich started cutting my hours because he said he was getting a new dishwasher. Wynne is the kitchen manager. Dimmlich knew I never told him to cut my hours down because of a second job, I always asked for more hours. If I told him to cut my hours down I would have put that in writing and they need to show me if I requested it. I tried to get some employees to speak up for but they didnt want to get involved because they could lose their jobs job. Discrimination is a huge factor in my case, I told a manager and staff about the rude things he would say. I was trained for prep but Dimmlich told the managers not to let me get the position, I was trying to get more hours but he went behind my back and said no. It was four white preps and one black guy. Dimmlich had something against me. I never was a no call no show, any job would fire you if you <sup>no</sup> call no show one time. They said I did it several times thats not true at all.

V. RELIEF

(State BRIEFLY exactly what you want this Court to do for you. Make NO legal arguments.

Cite NO cases or statutes.)

WELL I WOULD LIKE THE COURT TO STATE THE FACTS ABOUT ME  
NOT GETTING A 30 MIN CLOCK OUT BREAK AFTER I STOOD UP ON MY  
FEET MORE THAN SIX HOURS, AND I WANT THE COURT TO SEE  
THAT DIMMICH AND WYVNE IS NOT A TRUTHFUL PERSON. IF I  
REQUESTED TO SHORTING MY HOURS PRESENT IT TO THE COURT IN WRITING,  
HE RETALATED AGAINST ME BUT SHORTING MY HOURS AND NOT GIVING ME A BREAK.

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this DEC day of 19, 2016.

Erwin Moore  
Signature of plaintiff(s)